

105TH CONGRESS
1ST SESSION

S. 153

To amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. MOYNIHAN (for himself and Mr. ASHCROFT) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. VOLUNTARY RETIREMENT INCENTIVE PLANS**
 2 **OR ARRANGEMENTS.**

3 (a) IN GENERAL.—Section 4(l) of the Age Discrimi-
 4 nation in Employment Act of 1967 (29 U.S.C. 623(l)) is
 5 amended by adding at the end the following new para-
 6 graph:

7 “(4) It shall not be a violation of subsection (a), (b),
 8 (c), (e), or (i) solely because a plan or arrangement of
 9 an institution of higher education (as defined in section
 10 1201(a) of the Higher Education Act of 1965 (20 U.S.C.
 11 1141(a))) offers employees who are serving under a con-
 12 tract of unlimited tenure (or similar arrangement provid-
 13 ing for unlimited tenure) benefits on voluntary retirement
 14 that are reduced or eliminated on the basis of age.”.

15 (b) CONSTRUCTION.—

16 (1) APPLICATION.—Nothing in the amendment
 17 made by subsection (a) shall be construed to affect
 18 the application of section 4 of the Age Discrimina-
 19 tion in Employment Act of 1967 (29 U.S.C. 623)
 20 with respect to—

21 (A) any employer other than an institution
 22 of higher education (as defined in section
 23 1201(a) of the Higher Education Act of 1965);
 24 or

1 (B) any plan or arrangement not described
 2 in paragraph (4) of section 4(l) of such Act (as
 3 added by subsection (a)).

4 (2) RELATIONSHIP TO PROVISIONS RELATING
 5 TO VOLUNTARY EARLY RETIREMENT INCENTIVE
 6 PLANS.—Nothing in the amendment made by sub-
 7 section (a) shall be construed to imply that a plan
 8 or arrangement described in paragraph (4) of sec-
 9 tion 4(l) of such Act (as added by subsection (a))
 10 may not be considered to be a plan described in sec-
 11 tion 4(f)(2)(B)(ii) of such Act (29 U.S.C.
 12 623(f)(2)(B)(ii)).

13 **SEC. 2. EFFECTIVE DATE.**

14 (a) IN GENERAL.—This Act shall take effect on the
 15 date of enactment of this Act.

16 (b) EFFECT ON CAUSES OF ACTION EXISTING BE-
 17 FORE DATE OF ENACTMENT.—The amendment made by
 18 section 1(a) shall not apply with respect to any cause of
 19 action arising under the Age Discrimination in Employ-
 20 ment Act of 1967 prior to the date of enactment of this
 21 Act.

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